

THE UNITED STATES DISTRICT
COURT FOR THE MIDDLE DISTRICT OF NEBRASKA
NORTHERN DIVISION

PATRICK J. CHARLES 182262 *
Plaintiff. RECEIVED *

VS

2008 MAR - 6 A #227.07-CV-984 MHT

SIDNEY WILLIAMS ET AL.
Defendants. *

LEBRA P. HACKETT, CLERK
U.S. DISTRICT COURT
MIDDLE DISTRICT ALA

MOTION FOR A SPECIFIC RULING IN LAW
AS TO PLAINTIFFS OUTSTANDING MOTIONS
AND FOR CLARIFICATION OF COURT ORDERS
OR IN THE ALTERNATIVE EXTENSION OF TIME

Comes Now PATRICK J. CHARLES (hereinafter "CHARLES") and moves the Court to Grant - Entertan said above styled cause of action - relief as sought, as follows:

§ 1. This Court issued an ORDER for Defendants to file an "ANSWER and Waiver Report" on December 6th 2007 - that said pleading should be served on or before January 14th 2008.

§ 2. This Court then, upon receipt of Defendants ANSWER ISSUED ANOTHER ORDER on JANUARY 11th 2008, that Plaintiff was ORDERED to file by or before January 31st 2008 - a "Response" to said ANSWER - Absent Charles ever being 1st served a True & CORRECT COPY of said same pleading only served this Court.

§ 3. Thence Plaintiff Charles filed before this Court his "AMENDMENT AGAINST DEFENDANTS ATTORNEY FOR FRAUD UPON THE COURT - PLAINTIFF IN CONTRADICTION TO PROPER SERVICE & GROSS PREJUDICE CAUSED BY AMBUSH," on January

29th 2008 which has yet to Ruled upon - thus
Prejudicing said instant Case - Chilling Rule 15,
Fed. R. Civ. P. hindering Plaintiff to "Amend" said §1983.

Plaintiff is only entitled to a ruling in law - to
said request for an "Amendment" by this Court - Prior to
such other Adjudications - *De se* henceforth.

§4. This Court served Plaintiff Jondar & said other
Named Plaintiffs White #140147 @ 2:07-cv-1080 MHT; and
Brown #110326 @ 2:07-cv-1123; Sutton #21067 @ 2:08-cv-0003-
and Bennett #132146 @ 2:08-cv-22-WKW; Casey #~~1407~~ 152763
@ 2:07-cv-1106 to this current action for Class Certification
and Plaintiff objected to such pre-judicial actions by
this Court to correct ongoing Federal violations.

§5. Based upon this Court's ORDER of 1-11-08 as argued
in §2 above, Plaintiff filed - requested for an "Extension
To Respond ... to Def's DOC #21," primarily due to the
Defendants Prejudice as alleged by Plaintiff in §3 above,
inter alia, which this Court thence issued another ORDER
on January 31st 2008 - granting unto Plaintiff time through
March 7th 2008 to Respond to Defendants "Seized,
and otherwise Invent Answer, absent a written Report,
Exhibits, Affidavits, Regulations, Policies as was
previously ORDERED by this Court on December 6th 2007.

It was further ordered that Defendants serve a Copy
of said ANSWER on Plaintiff - served upon only the Court.

§ 6. UPON RECEIPT OF SUCH ANSWER - Charest
Reviewed SAID CONCLUSORY ALLEGATIONS - ATTEMPTING TO
CONTRADICT THE ORIGINAL § 1983 COMPLAINTS FACTS UNDER THE
PENALTIES OF PERJURY - AND FILED A "MOTION FOR CONTINUANCE
I STAY PROSECUTION Plaintiff to Contest Def's Answer,"
coupled with Charest's Rule 56 (f) AFFIDAVIT, to date
such has likewise NOT BEEN ADJUDICATED either,
Likened his Amending motion - Causing Confusing
Prejudice towards Charest's Ability to both 1)
MANAGE SAID § 1983 AND 2) PROSECUTE EFFECTIVELY
SAID fort absent sufficient - timely rulings.

§ 7. To date, to law, Charest has not received any
Discovery, Notices or otherwise from either Defendants
or this Court since Charest filed his "Change of
Address - NOTIFICATION on or before February 21st 2008,"
SERVING all parties thereto, and desire to maintain this
ACTION EFFECTIVELY until he Returns to Limestone C.F from
The Baldwin County Jail, thus requests for this Court to
Rule in accordance with the Fundamental Principles
AFFORDED PRO-SE Litigants concerning the two (2)
ABOVE MOTIONS yet decided - to include to PERSE
GRANTING SAID CONTINUANCE UNTIL DISCOVERY IS COMPLETE
AS TO FILING ANY RESPONSE TO DEF'S ANSWER?

38. This Court ISSUED AN ORDER on or about February 13th 2008 - ordering Defendants to either object or otherwise respond to Charest's dual Discovery motions listed as Doc# 41, and 42 and to do so before February 27th 2008 - that too has now, been, come and went without Defendants being otherwise obedient to this Court's previous orders.

Wherefore Premises Shown - Charest prays that this Court will issue the necessary orders: 1) AND Rule on Plaintiff's Amendment For (new) Defendants - filed 1-29-08 and 2) MOTION FOR CONTINUANCE / STAY - filed with Charest's Rule 56(f) Affidavit on 2-6-08 - order Defendants to Reply - respond or otherwise answer said dual motions - and SANCTION or cause / the Defendants to comply with Court's previous ORDER dated 2-13-08 and this time actually serve copies upon Charest affording him proper review of any pleadings Defendants file before this Court.

Done so this March 4th 2008

Respectfully Submitted
 3/4/2008
Patrick Joseph Charest
 Pro-Se #182262 DOB DC#1
 40 Baldwin County Jail
 200 Grand Avenue
 Bay Minette, AL 36507

Certificate of Service

I Herby Certify that I have served a true and correct copy of said same motion upon Defendants by placing same in the jails hands for proper delivery & postage prepaid and addressed as follows:

1) Alabama Prison & Paroles et. al.,
C/o Attn. Hugh Davis et al.,
301 South Ripley Street
Post Office Box 302405
Montgomery, Alabama
36130

Done so this March 4th 2008 (1)

Respectfully Submitted

Patrick J. Chacon
Pro-se # 182262
Baldwin County Jail

Prison Mail Box Rule

See Houston v Lack, 487 U.S. 266 (1988), also Washington vs United States, 243 F.3d. 1299, 1301 (11th Cir. 2001); Adams vs United States, 173 F.3d 1399, 1341 (11th Cir. 1993); Robinson vs Tanner, 113 F.3d. 1841, 186 N. 1 (11th Cir. 1996) (Inmates confined in jail, also, proceeding pro-se - documents delivered - as filed when turned over to Prison, 2A.1 Authorities.).

36130

2007-010140711

RECEIVED MAIL
207CV-984-MHT
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200 HAWAII AVENUE
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PATRICK F. CHANER BOIV #58234
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